

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOSUE ORTIZ,

Plaintiff,

v.

1:16-CV-00321 EAW MJR

MARK STAMBACH,

Defendant.

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**Section I: Constitutional Claims**

(1) With respect to the first cause of action, do you find that the Plaintiff has demonstrated by a preponderance of the evidence that the Defendant maliciously prosecuted the Plaintiff?

Yes ✓ No     

***Proceed to Question 2.***

(2) With respect to the second cause of action, do you find that the Plaintiff has demonstrated by a preponderance of the evidence that the Defendant fabricated evidence against the Plaintiff?

Yes ✓ No     

***Proceed to Question 3.***

(3) With respect to the third cause of action, do you find that the Plaintiff has demonstrated by a preponderance of the evidence that the Defendant violated Plaintiff's Fifth Amendment right against self-incrimination?

Yes ✓ No       

***If you answered "Yes" to any of Questions 1, 2, or 3, proceed to Section II. If you answered "No" to all of Questions 1, 2, and 3, then you should not answer any more questions and should proceed to the signature page.***

## **Section II: Damages**

(4) Compensatory Damages.

What amount, if any, in compensatory damages do you find will fairly and adequately compensate the Plaintiff for the damages, if any, that were proximately caused by the Defendant?

\$ 5 MILLION

***If you find that Plaintiff is not entitled to compensatory damages, proceed to Question 5. If you find that Plaintiff is entitled to compensatory damages, proceed to Question 6.***

(5) Nominal Damages

If you find that the Plaintiff has proved that the Defendant violated his rights but has not proven an amount of compensatory damages, you are required to award the Plaintiff nominal damages, not to exceed one dollar.

\$ \_\_\_\_\_

***Proceed to Question 6.***

(6) Punitive Damages

Do you find that punitive damages should be awarded in favor of the Plaintiff?

Yes ✓ No       

**STOP: Please proceed to the signature page.**

**Signature Page**

Instructions to the Foreperson: Once you have indicated the jury's answers to the questions above and have been directed by the instructions to the signature page, simply sign and date this page in the space provided below. Then inform the court security officer that you have finished deliberating.

By his/her signature below, the jury foreperson affirms that the above are the answers of the unanimous jury in the case of *Josue Ortiz v. Mark Stambach*, 1:16-CV-00321.

**S/Foreperson**

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FOREPERSON

Dated: May 9, 2022